

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA

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January 4, 2007

NOTICE OF CORRECTION

From: Clerk's Office

Case Style: Donald Thornton, et al. v. Rollin Vaughn Sowards, et al.

Case Number: #2:06-cv-001072-MHT

Referenced Document: Document #12
Joint Motion to Show Cause

This notice has been docketed to enter the certificate of service into the record. The original pdf did not contain a certificate of service. The corrected pdf is attached to this notice.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DONALD and MARY THORNTON,)

Plaintiffs,)

vs.) Case No.: 2:06-cv-1072

ROLLIN VAUGHN SOWARDS and,)
PROGRESSIVE INSURANCE CO.,)

Defendants.)

JOINT MOTION TO SHOW CAUSE

COME NOW the Defendant, Rollin Vaughn Sowards, and the Plaintiffs, Donald and Mary Thornton, and pursuant to this Court's Order dated December 27, 2006, respectfully submit to this Court thier Motion to Show Cause. As grounds therefore, the parties state as follows:

1. Per the Court's Order, this Defendant was required to file its Amended Notice of Removal no later than Thursday, December 21, 2006.
2. On Wednesday, December 20, 2006, this Defendant inadvertently filed its Amended Notice of Removal without correcting the jurisdictional defect in the original Notice of Removal.
3. This Defendant was advised by counsel for Co-Defendant that the jurisdictional defect had not been corrected and needed to be re-filed with the proper changes.
4. As such, on December 20, 2006, this Defendant filed its Second Amended Notice of Removal.
5. On December 21, 2006, this Defendant was notified by the Clerk's Office that a Motion for Leave should have been filed simultaneously with the Second Amended Notice of Removal.

6. As such, this Defendant worked to get the proper Motion prepared and forwarded to the Clerk's Office in order to satisfy this Court's Order requesting that all deficiencies be corrected.

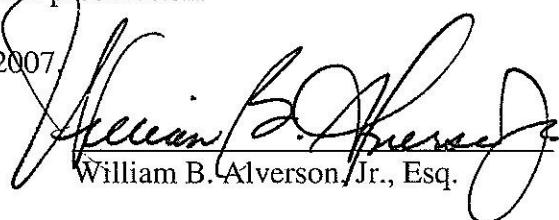
7. This Defendant, as well as the Plaintiff, simply overlooked the Rule 26 (f) deadline, which was also on December 21, 2006, and did not file said pleading.

8. On or about December 27, 2006, this Court ordered the Defendant and Plaintiff to show cause as to why the Rule 26(f) report was not filed as required.

9. No party shall be prejudiced by allowing the party to file their Rule 26(f) Report of the Parties Planning Meeting.

WHEREFORE ALL PREMISES CONSIDERED, the parties hereby respectfully request this Court not dismiss the above-styled matter for want of prosecution.

DONE this the 3rd day of January, 2007.

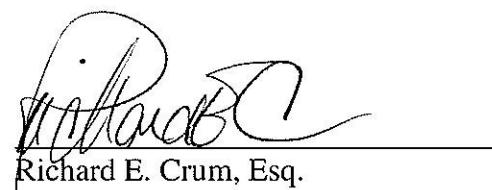


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Of Counsel:

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Richard E. Crum, Esq.

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Of Counsel:

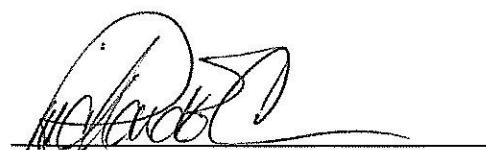
SHEALY, CRUM & PIKE, P.A.
Post Office Box 6346
206 North Lena Street
Dothan, Alabama 36302-6346
(334) 677-3000

CERTIFICATE OF SERVICE

I hereby certify I have this date mailed a copy of the foregoing properly addressed and postage prepaid, to:

Alex Holtsford, Esq.
Nix Holtsford Gilliland Higgins & Hitson, P.C.
Post Office Box 4128
Montgomery, Alabama 36103

This the 3rd day of January, 2007.



Of Counsel